

Exhibit K

From: ROD UNDERHILL <mp3rod@aol.com>
To: natasha.reed <natasha.reed@hugheshubbard.com>
Sent: Wed, Dec 2, 2015 4:02 pm
Subject: Re: Trump v. Trump Your Competition

Hello, Natasha. I hope you will forgive this informal email being sent rather than a formal letter, but I remain out of the office on other legal matters presently. I hope to return to my office in Julian tomorrow.

First, let me again thank you for your hospitality in Manhattan during our recent testimony deposition. I found Mr. Garten to be extremely charming and pleasant when introduced to me and your offices were very impressive. Both you and your colleague, Lena, were each very gracious.

I believe the time has come for me to suggest that Mr. Trump dismiss this particular case before the TTAB with prejudice. I will list my perceived reasons for this suggestion as follows:

1. The Donald J. Trump as Adverse Witness Issue. I do not believe that Mr. Trump has good grounds upon which to base a successful Motion to Quash. My client has already retained counsel to defend this motion should Mr. Trump follow through with filing the same. Should Mr. Trump be called to the stand, it is my humble opinion that he will produce testimony that will be exceedingly damaging to your case.
2. Upcoming Motions. I am just now finishing my drafting of two motions I intend to file before the Board. One, if granted, will clearly be dispositive in nature. The second, if granted, would greatly change the structure of your case.
3. Regarding your sole witness up to this point: Mr. Garten. Again, I found him to be a very fascinating individual and it was wonderful to meet him. However, in 35 years of being a trial attorney, I found him to be the single most evasive witness I have ever cross examined. I am certain that the deposition record bears that out. With all due candor, Mr. Garten seemed so fearful of any question I posed, regardless of what the question was, that the record no doubt shows him being non-responsive and evasive throughout his entire testimony.
4. Since Mr. Trump saw fit to conduct no discovery in an attempt to ferret out discoverable information, you will be unfortunately blindsided by the Applicant's testimony. And I assure you, with all respect, the testimony that I will offer up via my witnesses will be devastating to Mr. Trump's case.

Naturally, if you so wish and if Mr. Trump so wishes, we can continue this litigation until the very end. That's up to you and Mr. Trump.

However I will be filing motions as early as Monday so I would suggest that you discuss this with your client and your colleagues and come to a decision swiftly.

Should you fail to confirm to me by Friday close of the day that Mr. Trump will honor the subpoena, I will conclude that he will not be present at the appointed time, place and day. Again, as I have previously stated, if Mr. Trump will submit to the subpoena without filing a Motion to Quash, we will do our best to provide a date of his selection within my trial calendar period as set by the Board, and a location within the continental United States that he might prefer.

But I ask for his stated agreement to submit to the subpoena to be sent to me through you no later than Friday, close of the day. This is necessary because if I am to schedule a testimony deposition outside of our currently designated location in Manhattan, such as in another state, I need time to retain an appropriate location for that and to also retain a court reporter. This is particularly true given that the Holidays are now upon us. So, please let me know by Friday if Mr. Trump will honor the subpoena and if he wants a different allowable date and a different location in the United States. I will do my very best to accommodate any such requests.

And, naturally, I welcome hearing that Mr. Trump has decided to dismiss this matter with prejudice.

I will close by stating once again that I appreciate the professionalism that you and Lena showed me during my visit to the very historical and fascinating Battery area.

Regards,

Rod

ROD UNDERHILL

mp3rod@aol.com

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-----Original Message-----

From: Reed, Natasha <natasha.reed@hugheshubbard.com>

To: Rod Underhill <MP3Rod@aol.com>

Cc: Saltos, Lena <lena.saltos@hugheshubbard.com>; Canzoneri, Theresa <Theresa.Canzoneri@hugheshubbard.com>

Sent: Wed, Nov 25, 2015 12:37 pm

Subject: Trump v. Trump Your Competition

Rod,

Please see the attached letter.

Best regards,

Natasha

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